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DATE MAILED: 08/11/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,741	01/18/2002	Mu-III Lim	CP-1228	4717
27752 7:	590 08/11/2003			
THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION WINTON HILL TECHNICAL CENTER - BOX 161			EXAMINER	
			ELHILO, EISA B	
6110 CENTER HILL AVENUE CINCINNATI, OH 45224			ART UNIT	PAPER NUMBER
011101111111111111111111111111111111111	,		1751	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicating No. Limit of AL							
Examiner		Application No.	Applicant(s)				
Elsa B Elhilo 1751 The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. If the MAILING DATE OF THIS COMMUNICATION. If the production of the productio		10/052,741	LIM ET AL.				
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THE MAILING DATE OF THIS COMMUNICATION. Estracions of time may be available under the provisions of 3 CPR 1.136(b). In no event, however, may a reply to linely filed after \$16, (b) MONTHS from the mailing date of this communication. It No events the seed if the mailing date of this communication, each within the studiety inclinates \$16, (b) MONTHS from the mailing date of this communication. Failure to reply within the set or estanded period for reply will, by studiets, cause the application to become ABANCONED (35 U.S. § 130). Any reply recorded by the office alter than these emotion after the mailing date of this communication, even if timely field, may reduce any served patent term subjustment. See 97 CPR 1.794(b). Status 1) Responsive to communication (s) filed on 18 January 2002. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-24 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) 1-24 are subject to restriction and/or election requirement. Application Papers 9) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. 11) The proposed drawing correction filed on is/are: a) approved b) disapproved by the Examiner. 12) The proposed drawing correction filed on is a solution of the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 3) All b) Some *c) None of: 1. Certifie							
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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-6, drawn to chemical compound, classified in various classes of 544,546, 548, 564 and several subclasses.
 - II. Claims 7-10, drawn to a process for preparation a compound, variously classified in classes 544, 546, 548, 564 and several subclasses.
 - III. Claims 11-24, drawn to a hair coloring system (composition) and its method for using, classified in class 8, subclass 405.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the process as claimed can be used to make other materially different product in which both R1 and R2 selected from hydrogen atoms or R1 selected form the group of C1 to C5 alkyl radical and R2 selected from the phenyl radical.
- 3. Inventions I and III are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the process for using the product as claimed can be practiced

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with another materially different product in which both R1 and R2 selected from hydrogen atoms or R1 selected form the group of C1 to C5 alkyl radical and R2 selected from a phenyl radical.

- 4. Inventions II and III are related as process of making and process of using the product. The use as claimed cannot be practiced with a materially different product. Since the product is not allowable, restriction is proper between said method of making and method of using. The product claim will be examined along with the elected invention (MPEP § 806.05(i)).
- 5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 6. A telephone call was made to Charles J. Zeller on August 10, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eisa B Elhilo whose telephone number is (703) 305-0217. The examiner can normally be reached on M - F (7:30-5:00) with alternate Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (703) 308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Eisa Elhilo

Zici all

Patent Examiner Art Unit 1751

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August 10, 2003